

ORDINANCE NO. 21-O-54

An Ordinance Granting Variations from Various Sections of the Unified Development Ordinance at 11911 Industrial Heights Drive

WHEREAS, the City of Woodstock, McHenry County, Illinois is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the City's home rule powers and functions as granted in the Constitution of the State of Illinois.

WHEREAS, the City of Woodstock, on behalf of Hay Properties LLC (the "Owner") has petitioned for variations from various sections of the Unified Development Ordinance ("UDO") to accommodate existing site conditions for the property known as 11911 Industrial Heights Drive, and legally described as follows:

Lot 2 in Industrial Heights Subdivision, being a Subdivision of that part of the Northwest Quarter of the Northwest Quarter of Section 16, Township 44 North, Range 7, East of the Third Principal Meridian, according to the Plat thereof, recorded April 26, 1984 as Document No. 879794, in McHenry County, Illinois

WHEREAS, pursuant to Section 4.5 of the UDO, variations may be granted from the strict application of the UDO requirements after a public hearing and consideration of the circumstances warranting the granting of the variations; and

WHEREAS, a public hearing was held on August 19, 2021, by the Woodstock Plan Commission after due notice in the manner provided by law, and the Plan Commission has recommended that the petition for variations from various sections of the UDO be granted (7 - 0 vote); and

WHEREAS, the City Council has considered the evidence submitted by the Petitioner and presented at the public hearing, as well as the recommendations of the Plan Commission, and has determined that the Petitioner's request should be granted.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the CITY OF WOODSTOCK, McHenry County, Illinois, as follows:

SECTION 1: Variations from the UDO of the City of Woodstock are hereby granted at 11911 Industrial Heights Drive, pursuant to the plans submitted to the City by the Petitioner and presented at the public hearing, as follows:

- 1) Table 7A2, Rear Yard Building Setback from 30 feet to 11.2 feet;
- 2) Section 9.11, Driveway Width at R-O-W from 25 feet to 58 feet;
- 3) Section 9.12, Required Setback for parking from 25 feet to 0 feet in the front yard;
- 4) Section 9.13, Surfacing Improvements to allow a portion of the parking lot to be gravel;
- 5) Section 9.13, Surfacing Improvements, to waive the requirement for striping of parking spaces,

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- 6) Section 7.B.2.26, to waive the requirement for screening of outdoor storage;

provided, however, that if there is a change in ownership (except to Derrick and Kenneth Hay), usage or a substantial change in the premises, as determined by City Staff, the variations identified in items 4), 5) and 6) above shall be terminated.

SECTION 2: The report, recommendations and findings of fact of the Plan Commission on the issuance of the variations pursuant to the petition are on file in the City Hall as a part of the official record of the proceedings, and specifically those findings of fact by the Plan Commission are as follows:

- A. It is deemed that a hardship exists.
- B. The requested variations will not have an undue deleterious effect.
- C. The requested variations are the minimum needed to remedy the hardship.
- D. The requested variations are consistent with the intent and purpose of this Ordinance, as well as the Woodstock City Code and plans adopted by the City.

SECTION 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be known as Ordinance 21-O-54 and shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Ayes: Flynn, Lohmeyer, Nierman, Piersall, Seegers, Tebo, Mayor Turner

Nays: None

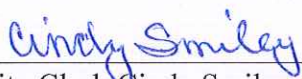
Abstentions: None

Absentees: None



Mayor Michael Turner

Attest:



City Clerk Cindy Smiley

By Chief Deputy City Clerk Janet Howie

CERTIFICATION

I, CINDY SMILEY, do hereby certify that I am the duly appointed, acting and qualified Clerk of the City of Woodstock, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the Mayor and Council members of said City.

I do hereby further certify that at a regular meeting of the Woodstock City Council, held on the 19th day of October, 2021, the foregoing Ordinance entitled *An Ordinance Granting Variations from Various Sections of the Unified Development Ordinance at 11911 Industrial Heights Drive* was duly passed by said City Council.

The pamphlet form of Ordinance Number 21-O-54, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the City Hall, commencing on the 19th day of October, 2021, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the City Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said City for safekeeping, and that I am the lawful custodian and keeper of the same.

GIVEN under my hand and corporate seal of the City of Woodstock this 19th day of October, 2021.

Cindy Smiley
Cindy Smiley, Clerk
City of Woodstock,
McHenry County, Illinois

(SEAL)

By Chief Deputy City Clerk Jane Horie

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**ORDINANCE PASSED BY THE
MAYOR AND CITY COUNCIL
OF THE CITY OF WOODSTOCK**

AT THEIR REGULAR MEETING ON OCTOBER 19, 2021

PUBLISHED IN PAMPHLET FORM BY THE AUTHORITY OF

THE CITY COUNCIL

OF THE

CITY OF WOODSTOCK

Mayor:

Michael Turner

City Council:

**Darrin Flynn
Lisa Lohmeyer
Tom Nierman
Wendy Piersall
Bob Seegers, Jr
Gordon Tebo**

Clerk:

Cindy Smiley

